

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark DENISON

Serial No.: 10/553,883

Filed: October 21, 2005

For: LIVE ATTENUATED NIDOVIRUS
VACCINES

Group Art Unit: 1648

Examiner: Nicole Erin Kinsey White

Atty. Dkt. No.: VBLT:038US

Confirmation No.: 1352

CERTIFICATE OF ELECTRONIC TRANSMISSION
37 C.F.R. § 1.8

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:

August 20, 2008

Date

Steven L. Highlander

RESPONSE TO RESTRICTION REQUIREMENT DATED MARCH 24, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This paper is submitted in response to the Restriction Requirement dated March 24, 2008, for which the thirty-day date for response was April 24, 2008.

A request for a four-month extension of time to respond is included herewith along with the required fee. This four-month extension will bring the due date to August 24, 2008, which is within the six-month statutory period. Should such request or fee be deficient or absent, consider this paragraph such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 from Fulbright & Jaworski L.L.P. Account No.: 50-1212/VBLT:038US/SLH.

Applicants elect, with traverse, to prosecute claims 2-5 and 10-11, *i.e.*, the Group I claims. In addition, applicants elect species a) and subspecies g). Applicants note the examiners comments regarding restriction versus election. However, as long as there is a proper

linking claim, applicants are entitled to rejoinder of other non-elected species at an appropriate time during prosecution.

The examiner is invited to contact the undersigned attorney at (512) 536-3184 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,


Steven L. Highlander
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Date: August 20, 2008